



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB2925

Introduced 2/23/2011, by Rep. Sandra M. Pihos

#### SYNOPSIS AS INTRODUCED:

5 ILCS 345/1

from Ch. 70, par. 91

Amends the Public Employee Disability Act. Excludes from the definition of "eligible employee" any full-time law enforcement officer or full-time firefighter who is employed by a unit of local government. Removes a provision that preempted the power of home rule units to act inconsistently with the requirements of the Act, as well as a provision that exempted from the requirements of the Act municipalities having a population of over 1,000,000. Effective immediately.

LRB097 05420 JDS 45478 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Public Employee Disability Act is amended by  
5 changing Section 1 as follows:

6 (5 ILCS 345/1) (from Ch. 70, par. 91)

7 Sec. 1. Disability benefit.

8 (a) For the purposes of this Section, "eligible employee"  
9 means any part-time or full-time State correctional officer or  
10 any other full or part-time employee of the Department of  
11 Corrections, any full or part-time employee of the Prisoner  
12 Review Board, any full or part-time employee of the Department  
13 of Human Services working within a penal institution or a State  
14 mental health or developmental disabilities facility operated  
15 by the Department of Human Services, and any full-time law  
16 enforcement officer or full-time firefighter who is employed by  
17 the State of Illinois, ~~any unit of local government (including~~  
18 ~~any home rule unit),~~ any State supported college or university,  
19 or any other State agency ~~public entity~~ granted the power to  
20 employ persons for such purposes by law.

21 (b) Whenever an eligible employee suffers any injury in the  
22 line of duty which causes him to be unable to perform his  
23 duties, he shall continue to be paid by the employing public

1 entity on the same basis as he was paid before the injury, with  
2 no deduction from his sick leave credits, compensatory time for  
3 overtime accumulations or vacation, or service credits in a  
4 public employee pension fund during the time he is unable to  
5 perform his duties due to the result of the injury, but not  
6 longer than one year in relation to the same injury. However,  
7 no injury to an employee of the Department of Corrections or  
8 the Prisoner Review Board working within a penal institution or  
9 an employee of the Department of Human Services working within  
10 a departmental mental health or developmental disabilities  
11 facility shall qualify the employee for benefits under this  
12 Section unless the injury is the direct or indirect result of  
13 violence by inmates of the penal institution or residents of  
14 the mental health or developmental disabilities facility.

15 (c) At any time during the period for which continuing  
16 compensation is required by this Act, the employing public  
17 entity may order at the expense of that entity physical or  
18 medical examinations of the injured person to determine the  
19 degree of disability.

20 (d) During this period of disability, the injured person  
21 shall not be employed in any other manner, with or without  
22 monetary compensation. Any person who is employed in violation  
23 of this paragraph forfeits the continuing compensation  
24 provided by this Act from the time such employment begins. Any  
25 salary compensation due the injured person from workers'  
26 compensation or any salary due him from any type of insurance

1 which may be carried by the employing public entity shall  
2 revert to that entity during the time for which continuing  
3 compensation is paid to him under this Act. Any disabled person  
4 receiving compensation under the provisions of this Act shall  
5 not be entitled to any benefits for which he would qualify  
6 because of his disability under the provisions of the Illinois  
7 Pension Code.

8 (e) Any employee of the State of Illinois, as defined in  
9 Section 14-103.05 of the Illinois Pension Code, who becomes  
10 permanently unable to perform the duties of such employment due  
11 to an injury received in the active performance of his duties  
12 as a State employee as a result of a willful act of violence by  
13 another employee of the State of Illinois, as so defined,  
14 committed during such other employee's course of employment and  
15 after January 1, 1988, shall be eligible for benefits pursuant  
16 to the provisions of this Section. For purposes of this  
17 Section, permanently disabled is defined as a diagnosis or  
18 prognosis of an inability to return to current job duties by a  
19 physician licensed to practice medicine in all of its branches.

20 (f) The compensation and other benefits provided to  
21 part-time employees covered by this Section shall be calculated  
22 based on the percentage of time the part-time employee was  
23 scheduled to work pursuant to his or her status as a part-time  
24 employee.

25 (g) (Blank). ~~Pursuant to paragraphs (h) and (i) of Section~~  
26 ~~6 of Article VII of the Illinois Constitution, this Act~~

1 ~~specifically denies and limits the exercise by home rule units~~  
2 ~~of any power which is inconsistent herewith, and all existing~~  
3 ~~laws and ordinances which are inconsistent herewith are hereby~~  
4 ~~superseded. This Act does not preempt the concurrent exercise~~  
5 ~~by home rule units of powers consistent herewith.~~

6 ~~This Act does not apply to any home rule unit with a~~  
7 ~~population of over 1,000,000.~~

8 (h) In those cases where the injury to a State employee for  
9 which a benefit is payable under this Act was caused under  
10 circumstances creating a legal liability for damages on the  
11 part of some person other than the State employer, all of the  
12 rights and privileges, including the right to notice of suit  
13 brought against such other person and the right to commence or  
14 join in such suit, as given the employer, together with the  
15 conditions or obligations imposed under paragraph (b) of  
16 Section 5 of the Workers' Compensation Act, are also given and  
17 granted to the State, to the end that, with respect to State  
18 employees only, the State may be paid or reimbursed for the  
19 amount of benefit paid or to be paid by the State to the  
20 injured employee or his or her personal representative out of  
21 any judgment, settlement, or payment for such injury obtained  
22 by such injured employee or his or her personal representative  
23 from such other person by virtue of the injury.

24 (Source: P.A. 96-1430, eff. 1-1-11.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.